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State seeking Superfund status for Windham's Keddy Mill site

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WINDHAM – The owner of the polluted Keddy Mill in South Windham has been granted an extension to develop a plan to clean up the former steel-making site, state officials told the Windham Town Council Tuesday night.

The extension will allow the mill's owner to complete a search for past owners of the property who may be at fault for the pollution. At the same time, the state is seeking to have the property entered into the federal Superfund program, which if approved would provide money for a cleanup that is likely to cost in the millions of dollars.

Originally, the state Department of Environmental Protection gave the mill's owner, HRC-Village at Little Falls LLC, until Sept. 30 to outline a plan for cleaning up the site alongside the Presumpscot River. Recent tests have concluded the site is contaminated with polychlorinated biphenyls, or PCBs, a known carcinogen that was common prior to its ban in the 1970s and used at the Keddy Mill to cool machines cutting and turning steel, and as a transformer lubricant.

The PCB-contaminated soil samples taken by state officials last October and this April revealed stockpiles of PCB-laden metal shavings sometimes as deep as 16 feet throughout the property, officials told councilors.

As a result of the pollution, the state is requiring remediation, which would require razing of the mill building as well as removal of about 55,000 tons of soil. Who pays for the expensive cleanup could be a sticking point, since the current owner did not cause the pollution.

Jean Firth, Brownfields coordinator with the state agency, told councilors the department is also pursuing a second course of action by seeking the federal Environmental Protection Agency's approval to list the Keddy Mill as a Superfund site.

"We have discussed the options internally and have decided that we're going to let (the owners) take their time and get their plan together," Firth said. "But we've also started discussions with EPA with how we can potentially move this site forward, so it's sort of on a dual track right now."

Firth said the Superfund process would seek out responsible parties who might have caused the contamination. If no responsible parties are found, a federal program would help pay for the cleanup. Some state money and possibly money from the mill's owner would be used as well.

Cleanup could take as much as 15 years, as it did in the case of Maine town of Corinna that had similar riverside contamination. Once it is complete, Firth said, it's not clear who would own the property, the town or the mill's current owners.

Firth said part of the delay on the owner's part is due to their attempt to research the "chain of title" for previous owners who have held ownership of the mill and could participate in remediation.

According to Windham's environmental consultant, John Cressey of Summit Environmental, a "rudimentary" title search by the state has found four owners: the current owner, a previous LLC, the Keddy Family Trust, and a paper company.

"We didn't find anything that indicated there was a potentially responsible party still available, but we don't get paid a lot of money to do title searches ... and this was not an official title search," he said.

Cressey also said, "the liability begins with the facility that caused the issue" and that part of request for an extension by the owner is to allow for an intensive title investigation to determine what activities were taking place at the site under the previous owners.

Renee Lewis, of HRC-Village at Little Falls LLC, was unavailable for comment.

The contamination, Cressey added, does not extend to other properties, most of which are residential properties that surround three sides of the mill.

"We have clean corridors on all sides of the property," he said, including the property where a senior living facility is located. Contaminated zones have been surrounded by a fence installed in May, he said.

However, initial testing didn't include property owned by Sappi Fine Paper, owners of the adjacent dam. When asked by Councilor Peter Anania whether the dam is affected, Cressey said, "That is a good question. When we put the fence up we put the fence up on Keddy property, specifically within a clean corridor. But because Sappi owns the dam and the driveway into it, we couldn't do anything on their property so we don't know if there's anything on Sappi's property."

The future of the electricity-producing dam, which is one of several Sappi owns along the river, could be in question if the mill building is razed. Earlier in the meeting, Cressey said the mill building, which extends to the edge of the river, has structural and PCB issues, so "we have to look at the dam because without the building, the dam can't support itself."

While remediation of the site could take years and many millions of dollars, Firth told councilors the department intends to pursue cleanup since it is one of the worst contaminated sites in Maine.

“Knowing what we know about this site,” she said, “I’m fairly confident that it would score high enough to be put on the Superfund list.”